

**IN THE UNITED STATES
DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HEATHER COX,)	
)	
Plaintiff,)	
v.)	Civil Action No. 4:14-CV-01076
)	
ACTION REVENUE RECOVERY,)	
)	
Defendant.)	
)	
Serve Defendant at:)	
JEFF CITY FILING, INC.)	
222 E. DUNKLIN, STE 102)	
JEFFERSON CITY MO 65101)	JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiff and for her Complaint states as follows:

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

JURISDICTION

2. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k(d).

PARTIES

3. Plaintiff is a natural person currently residing in Jefferson County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

4. Defendant is a registered foreign corporation with its principal place of business in Monroe, Louisiana. The principal business purpose of Defendant is the collection of debts in

Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collectors” as defined by the FDCPA. *15 USC 1692a(6)*.

6. The debt at issue is a bill from South County Radiology in the amount of \$316.00. The debt is a consumer debt as defined by the FDCPA.

FACTS

7. Plaintiff contacted Defendant on or about June 6, 2014 to discuss missed phone calls she had received from the Defendant.

8. Defendant stated during the call they had called Plaintiff several times.

9. At no time during the call did the Defendant identify himself as a debt collector or provide the mini-Miranda to Plaintiff advising her that this was an attempt to collect a debt and any information obtained would be used for that purpose.

10. During the call, Defendant told Plaintiff that this debt was to be reported on her credit.

11. Upon information and belief, Defendant does not have authority to report negative entries on Plaintiff's credit once the debt has been disputed.

12. Defendant told Plaintiff that the bill needed to be paid and asked Plaintiff if she would be making payment arrangements today.

13. Plaintiff told Defendant that she couldn't make payment arrangements at this time.

14. In response, Defendant told Plaintiff that they would “go ahead and report on your credit.”

15. Defendant's tactics were a clear attempt to intimidate Plaintiff into paying the debt.

COUNT I: VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT

16. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

17. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, *15 USC 1692 et. seq.*, including, but not limited to, the following:

a. Using unfair or unconscionable means to collect or attempt to collect the alleged debt.

b. Failure to identify oneself as a debt collector during a telephone call. 15 USC 1692 (d) (6).

c. Threatening action without the authority or intent to take such action, including but not limited to threatening credit reporting against Plaintiff. 15 U.S.C. § 1692e.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

A. Declaratory judgment that Defendant's conduct violated the FDCPA;

B. Actual damages;

C. Release of the alleged debt;

D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and

E. For such other relief as the Court may deem just and proper.

THE EASON LAW FIRM, LLC

/s/ James W. Eason

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